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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT PAPER NUMBER

3611

DATE MAILED: 01/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/839,190

Applicant(s)  
Day et al.

Examiner  
Vanaman

Art Unit  
3611



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Apr 19, 2001 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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### **Drawings**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the slide plate having a beveled side edge (see claims 7 and 13) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### **Specification**

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

The specification is objected to under 37 CFR 1.71 because it fails to provide an adequate written description of the invention. On page 5, line 14, the specification refers to the use of "modified acrylic", however the specification fails to further describe what this material is, or what modification has been made.

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### **Claim Objections**

3. Claim 1 is objected to because of the following informalities: In claim 1, line 13, after "second pair of wheels" it appears as though a comma (--,) should be inserted. Appropriate correction is required.

### **Claim Rejections - 35 USC § 112**

4. Claims 2-7, 10-13, and 16-18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 2, 10, and 16 refer to the use of 'modified acrylic' however the specification fails to provide an adequate written description of this particular material.

5. Claims 1-7, and 9-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 2 and 4, the same element appears to have been referred to by different terms "elongated deck" and "elongated deck assembly"; in claim 2, line 2, claim 10, line 2, and claim 16, line 2, the modified nature of the acrylic ("modified acrylic") is not recited, rendering the protection desired unascertainable; in claim 6, lines 2 and 3, "the end-wise margin" lacks a clear antecedent basis; in claim 9, line 3, "the distal margins" lacks a clear antecedent basis; in claims 14 and 15, plural terms lack a clear antecedent basis: "the truck mounting bases" (claim 14, line 5), "the truck mounting bolts" (claim 14, line 5), "the truck mounting surfaces" (claim 15, line 2), and "the end margins" (claim 15, line 3).

### **Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1, 8, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Rodriguez (US 2,330,147). Rodriguez teaches a skateboard having a deck (1, 11) with a bottom surface (bottom of 1), front and rear ends (figure 1), a front pair of wheels (31) and a rear pair of wheels (31) both attached to trucks (e.g., 3a) having mounting bases (e.g., 18), the skateboard having a plate (2) connected to the bottom surface of the deck, within the periphery of the deck, and having a length substantially equal to the span between front and rear extents of the mounting bases of the wheel trucks, and having a width substantially equal to the respective widths of the mounting trucks, and further featuring a quarter-round bevel (figs. 5, 6), the plate being connected between the deck and wheel trucks, the mounting of the plate with respect to the wheel trucks and board being made by mounting hardware (e.g., 12, 15, 16) extending through a plurality of mounting apertures in the plate.

**Claim Rejections - 35 USC § 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-7, 9-13, 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez. As described above, Rodriguez teaches a skateboard having a deck with a bottom surface, front and rear ends, a front pair of wheels and a rear pair of wheels both attached to trucks having mounting bases, the skateboard having a plate connected to the bottom surface of the deck, within the periphery of the deck, and having a length, defined by end margins, substantially equal to the span between front and rear extents of the mounting bases of the wheel trucks, and having a width, defined by side margins, substantially equal to the respective widths of the mounting trucks, and further featuring a quarter-round bevel, the plate being connected between the deck and wheel trucks, the mounting of the plate with respect to the wheel trucks

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and board being made by mounting hardware extending through a plurality of mounting apertures in the plate.

As regards claims 2, 10, and 16, the reference of Rodriguez fails to teach the plate as being made of a resilient plastic material. Resilient plastics are very well known in the manufacturing arts, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the plate from a plastic such as a polycarbonate, for the purpose of providing a plate which is both light weight and has a high impact strength, thus improving the life-span of the plate under use.

As regards claims 3, 11, 17 and 18, the reference of Rodriguez fails to teach a specific thickness for the plate, however it is well known to adjust the thickness of structural members of a designed mechanism to meet a specific requirement, such as a height, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to adjust the thickness of the plate to between 0.1 and 0.33, or more specifically 0.25 inches, for the purpose of optimizing the height which is added to the skateboard by the use of the plate. Note Rodriguez, page 2, col. 2, lines 13-17.

As regards claims 5, 6, 9, and 15, the reference to Rodriguez fails to teach the length as being equivalent to the span between the ends of the mounting bases, and the width as being equivalent to the respective widths of the mounting bases, however it is well known to decrease the size of manufactured elements for the purposes of using lesser quantities of material, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to size the plate to be equal to the width and distal end span of the mounting bases of the wheel trucks for the purpose of achieving an incremental reduction in cost of manufacturing the board.

### **Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rodriguez (US 2,200,935), Bostick (US 3,235,282), Eash, II (US 4,076,265), Tibbals (US 4,234,204), Shumays et al. (US 4,896,893), McCowan (US 4,991,066), Jez et al. (US

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5,154,436), Younger (US 5,221,111), Smisek (US 5,267,743), Kuykendall (US 5,560,625), Svensson (US 6,164,669), Wilson et al. (US 6,203,037), Fruechtenicht (US 6,279,929), Allt et al. (GB 143,696), "Ceji-Import..." (FR 2,416,027) and "Skateboarder Magazine" ("Equipment Update" March, 1978, page 138 and July 1978, page 146) teach skateboard structures of pertinence.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents  
Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry;  
informal or draft communications may be faxed to the same number but should be  
clearly labeled "UNOFFICIAL" or "DRAFT")

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3611**

F. Vanaman  
January 4, 2002

